

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

RONALD ALAN HUMMEL,

Plaintiff,

vs.

STATE OF MONTANA and  
FLATHEAD COUNTY DISTRICT  
COURT,

Defendants.

Cause No. CV 25-11-M-DMW

ORDER

Plaintiff Ronald Alan Hummel filed a 42 U.S.C. § 1983 Complaint related to his current conviction and incarceration. (Doc. 2.) The filing is more appropriately characterized as a petition for a writ of habeas corpus. The Complaint will be dismissed.

Hummel's Complaint is entirely related to what he characterizes as a wrongful conviction. "Habeas is the exclusive vehicle for claims brought by state prisoners that fall within the core of habeas, and such claims may not be brought in a § 1983 action." *Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016). A prisoner in state custody cannot use a § 1983 action to challenge "the fact or duration of his confinement" and must seek federal habeas corpus relief (or appropriate state

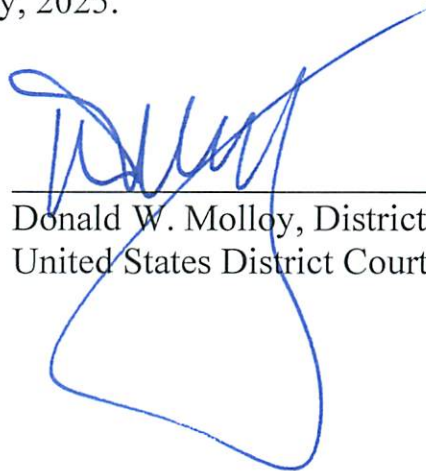
relief) instead. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005). Hummel's Complaint will be dismissed, and he may file a petition for a writ of habeas corpus.

Based upon the foregoing, IT IS ORDERED that:

1. The Clerk of Court is directed to close this case. All pending motions are DENIED.

2. The Clerk of Court is directed to provide Hummel with the Court's form for a petition for a writ of habeas corpus and a form to proceed in forma pauperis on that petition.

DATED this 24<sup>th</sup> day of January, 2025.

A handwritten signature in blue ink, appearing to read 'Donald W. Molloy', is written over a horizontal line. Below the signature is a large, loopy blue ink flourish.

Donald W. Molloy, District Judge  
United States District Court